

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

<b>IN RE:</b>	)	
	)	
<b>Joyce Barbee Baldwin</b>	)	<b>10-81646 13</b>
	)	
	)	
<b>Debtor.</b>	)	
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**ORDER DENYING CONFIRMATION OF PLAN**

THIS MATTER came before the Court on January 13, 2011, after due and proper notice, for a hearing on Beneficial Mortgage Company of North Carolina's ("Beneficial") objection to the Debtor's proposed Chapter 13 plan. Edward C. Boltz appeared at the hearing on behalf of the Debtor, Richard M. Huston, II appeared on behalf of the Chapter 13 Trustee, and Christine M. Lamb appeared on behalf of Beneficial.

The present case poses one of the same issues that the Court addressed in *In re Martin*, No. 10-81271 (M.D.N.C. Jan. 26, 2011). Specifically, as in *Martin*, the Debtor here proposes a plan that would re-amortize the outstanding balance of the creditor's secured claim over the remaining term of the mortgage at a permanently fixed interest rate. *Martin*, slip op. at 2. As the Court discussed in *Martin*, such treatment of a secured claim does not comply with § 1322 or § 1325 of the Code. *Id.* at 3-10; *see also In re Hayes*, No. 10-81284C-13D (Bankr. M.D.N.C. Jan. 24, 2011). Accordingly, the Court concludes that Beneficial's objection to the Debtor's proposed Chapter 13 plan is SUSTAINED.

SO ORDERED.

## **SERVICE LIST**

Joyce Barbee Baldwin  
Debtor

Edward C. Boltz  
Attorney for Debtor

Christine M. Lamb  
Attorney for Beneficial Mortgage Co.

Richard M. Hutson, II  
Trustee